

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KENNETH A LINVILLE JR,

Petitioner,

v.

CAROL MURPHY,

Respondent.

CASE NO. 3:16-CV-05212-BHS-DWC

REPORT AND RECOMMENDATION

Noting Date: June 24, 2016

The District Court has referred this 28 U.S.C. § 2254 action to United States Magistrate Judge David W. Christel. Petitioner Kenneth A. Linville, Jr., proceeding *pro se*, initiated this action by filing a document entitled “Petition for a Writ of Habeas Corpus, Petitioner is not an Individual Pursuant to 5 U.S.C. § 552a(a)(2), Court Lacked Jurisdiction and Contract, Correct the Record” (“Petition”). Dkt. 3.

After completing an initial review of the Petition, the Court determined Petitioner did not comply with the Rules Governing Section 2254 Cases and ordered Petitioner to correct the deficiencies in his Petition on or before May 26, 2016. Dkt. 4. Petitioner was notified his failure to

1 comply with the Court's Order would result in the Court recommending dismissal of this case. *Id.*  
2 at p. 3.

3 Petitioner has failed to comply with the Court's Order. He has not responded to the  
4 Court's Order and has not filed an amended petition to correct the deficiencies contained within  
5 the Petition. As Petitioner has failed to respond to the Court's Order and prosecute this case, the  
6 Court recommends this case be dismissed without prejudice.

7 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil  
8 Procedure, the parties shall have fourteen (14) days from service of this Report to file written  
9 objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those  
10 objections for purposes of appeal. *Thomas v Arn*, 474 U.S. 140 (1985). Accommodating the time  
11 limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on June 24,  
12 2016, as noted in the caption.

13 Dated this 6th day of June, 2016.

14 

15 David W. Christel  
16 United States Magistrate Judge  
17  
18  
19  
20  
21  
22  
23  
24